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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,701	02/05/2002	Shigetaka Kobayashi	JP920000331	6451

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IBM MICROELECTRONICS
INTELLECTUAL PROPERTY LAW
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ESSEX JUNCTION, VT 05452

EXAMINER

BARTH, VINCENT P

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/683,701		KOBAYASHI, SHIGETAKA	
	Examiner		Art Unit	
	Vincent P. Barth		2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-8 is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>0202</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Referring to Claim 2, the phrase ending the claims, “and has a reversible photochromic” is indefinite, in that it appears to be incomplete. This is likely to be merely a typographical error, especially in light of Claim 7, which recites, “a reversible photochromic property.”. The Examiner suggests amending Claim 2 as follows: “and has a reversible photochromic property”, thus adding the term “property.” (including the addition of punctuation as shown). The claim has been considered as it may be best understood, under the assumption that the language will be modified as suggested.

Allowable Subject Matter

4. Claims 1 and 3-8 are allowable, since the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations set forth therein.
5. Referring to Claim 1, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a device for inspecting a display panel comprises a light source and a dimmer plate which modulates the light transmission according to

the intensity of the incident light, and wherein the light is transmitted through the dimmer plate, in combination with the remaining limitations in the claim. Claims 3 and 4 are allowable based on their dependency upon the claim from which each is dependent. Referring to Claim 5, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a method for inspecting a display panel comprises disposing the panel on a support, emitting light from a light source, receiving the light and controlling the transmitted light in accordance with the intensity of the incident light, said transmitted light having a controlled quantity, in combination with the remaining limitations in the claim. Claims 6-8 are allowable based on their dependency upon the claim from which each is dependent.

Comments

6. The numbering of the figures (i.e., Fig. 1, Fig. 2, etc.) should be amended to be larger than the remaining characters in the Drawings. See 37 CFR §1.84(u)(2).

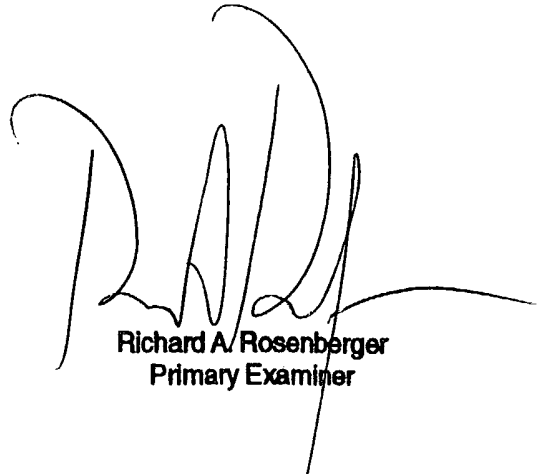
7. The following prior art references are of interest. Fulwyler, U.S. Pat. No. 4,095,898 (20 Jun. 1978), involves using a photochromic filter 40 disposed between a fluid sample 28 exposed to a laser beam 20, and a sensitive detector 42 to measure transmission properties through a fluid (Figs. 1 and 2). By contrast, the instant invention has the photochromic filter disposed between the light source and the sample panel, thus modulating the light before it reaches the sample. Moreover, the photochromic filter in Fulwyler is used to protect the sensitive detector at times when the fluid is fully transmissive, thus passing light with such intensity as might damage the sensitive detector. Nagasaki, et al., U.S. Pat. No. 4,622,584 (11 Nov. 1986), involves using a photochromic element to block light received by a detector, in the context of an endoscope (col.

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21, lns. 3-37; Figs. 29 and 30). Matsumoto, et al., U.S. Pat. No. 6,064,477 (16 May 2000) involves inspecting a reticle for defects, and has a photochromic element configured as a spatial filter (col. 30, ln. 58 to col. 31, ln. 29; Figs. 37 and 38).

CONCLUSION

8. Applicant's Claim 2 is rejected based on the reasons set forth above.
9. Applicant's Claims 1 and 3-8 are allowable based on the reasons set forth above.
10. Any inquiries concerning this communication from the Examiner should be directed to Vincent P. Barth, whose telephone number is 703-605-0750, and who may be ordinarily reached from 9:00 a.m. to 5:30 p.m., Monday through Friday. Note that Examiner Barth expects to move to the new U.S. Patent Office location on or about 21 January 2004, and will have a new telephone number following that date, which is: (571) 272-2410. The fax number for the group before final actions is 703-872-9306.
11. If attempts to reach the Examiner prove unsuccessful, the Examiner's supervisor is Frank G. Font, who may be reached at 703-308-4881.
12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



Richard A. Rosenberger
Primary Examiner